

REMARKS

Claims 27-28, 30-34, 36-38, 41-43 and 45-46 stand rejected, of which claims 27, 37 and 42 are independent. Claims 27, 37 and 42 are now amended. The Applicants respectfully request reconsideration in view of the foregoing amendments.

Claim Rejections - 35 U.S.C. §112

Claims 27-28, 30-34, 36-38, 41-43 and 45-46 were rejected under 35 U.S.C. § 112, second paragraph for failing to recite an essential element and/or step of the claimed invention. Specifically, the Office Action asserts that it is unclear how the invention decides which messages will be delayed for receipt of manual input. Applicants respectfully content that such a decision is not an essential element or step of the claimed invention.

Claims 27, 37 and 42 each recite steps of, or structure for, delaying delivery of *at least one of the financial messages* to an individual client and during the delay, presenting the at least one financial message from among the automatically generated financial messages through a user interface; receiving user commands input through the user interface to modify the at least one financial message; and modifying content of the at least one financial message according to the user commands, resulting in a modified financial message. Accordingly, the claimed invention can delay one message, some of the messages or all of the messages. But, the Applicants contend that the decision as to whether one, some or all of the messages are delayed is not essential step.

The Office Action also asserts that the claims should be amended to include a function clarifying what is being reviewed in the financial messages. Applicants respectfully assert that such amendment is not an essential element or step of the claimed invention. As previously discussed, the claimed invention automatically creates a message for delivery to an individual client, delays the message, and during the delay presents the message through a user interface and receives user commands to modify the content of the message. For example, the content of the message can be modified to

include a personal message to the intended recipient (e.g., a so-called “touchpoint”). See the subject specification as originally filed on page 25, lines 4-12. Accordingly, Applicants contend that it is not essential what is reviewed in each of the financial messages.

Lastly, the Office Action asserts that it is unclear whether the claimed “user interface” is a component of the claimed invention. Accordingly, Applicants hereby amend claims 27 and 37 to recite “the processor executing the intervention system module that, during the delay, *generates a user interface through which to present* at least one financial message from among the automatically generated financial messages.” Likewise, claim 42 is amended to recite the step of “during the delay, *generating a user interface through which to present* the at least one financial message from among the automatically generated financial messages.” Accordingly, claims 27, 37 and 42 have been amended to clarify that the claimed “user interface” is generated as part of the claimed system or process. Support for these amendments can be found in FIG. 2 and 18-24 and in the subject specification as originally filed from page 23, line 1 to page 24, line 7 and from page 25, line 2 to page 28, line 15.

Applicants respectfully request withdrawal of these rejections in view of the foregoing amendment and remarks.

Claim Rejections - 35 U.S.C. §103

Claims 27-28, 30-34, 36-38, 41-43 and 45-46 were rejected under 35 U.S.C. 102(e) as being anticipated by Bachman (U.S. Patent 6,315,196).

Claims 27 and 37 as now amended each recites a computer system that delivers financial messages to individual clients comprising a messaging system stored in memory. The messaging system comprises, in particular part, a message creation system module and an intervention system module that are stored in memory and executed by a processor. Specifically, the processor executes the message creation system module that automatically creates financial messages and delivers the automatically created financial

messages to the individual clients after a predetermined delay. The processor also executes an intervention system module that, during the delay, generates a user interface through which to present at least one financial message from among the automatically generated financial messages, receives user commands input through the user interface to modify the at least one financial message, and modifies content of the at least one financial message according to the user commands, resulting in a modified financial message that is delivered to the individual client by the processor executing the message creation system module. Method claims 42 recites similar features. For example, a financial message automatically generated by the messaging system can be modified by the addition of a personalized message directed to an individual client before delivery, as recited in claims 28, 38 and 43. Support for these amendments can be found in FIG. 2 and 18-24 and in the subject specification as originally filed from page 23, line 1 to page 24, line 7 and from page 25, line 2 to page 28, line 15.

In contrast, Bachman discusses a system through which a credit card customer can activate debt deferment in a credit protection program upon her/her verification of certain events (e.g., unemployment, disability, hospitalization, etc). The deferment benefit includes zeroing the minimum payment due on the customer's account, no adverse credit reporting to credit bureaus and the like on the customer. The Office Action asserts that Bachman, like the claimed invention, is directed at manual modification of messages prior to delivery. Applicants respectfully disagree.

According to Bachman, "*automatically* no additional charges are added to the credit card account when the credit protector is actually activated." (emphasis added) (See col. 3, lines 24-34). Furthermore, as pointed out by the Examiner during the interview, Applicants acknowledge that Bachman mentions certain tasks that may be performed manually, such as collections, dispute resolution, and charge backs. See col. 13, line 58 to col. 14, line 15. But, the performance of such manual tasks do not relate at all to the claimed invention. Specifically, no where does Bachman disclose automatically creating financial messages for delivery to the individual clients; delaying delivery of at

least one of the financial messages to an individual client; and during the delay, generating a user interface through which to present the at least one financial message from among the automatically generated financial messages; receiving user commands input through the user interface to modify the at least one financial message; and modifying content of the at least one financial message according to the user commands, resulting in a modified financial message as in claims 27, 37 and 42.

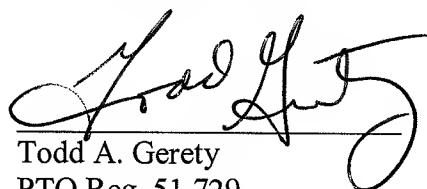
For at least these reasons, claims 27, 37 and 42 are patentable, as they are neither anticipated nor obvious in view of the cited art of record.

Furthermore, by virtue of at least their dependency upon claims 27, 37 and 42 and the additional features recited therein, claims 28, 30-34, 36, 38, 41, 43 and 45-46 are also patentable.

CONCLUSION

In view of the above amendments and remarks, it is believed that claims 27-28, 30-34, 36-38, 41-43 and 45-46 are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Todd A. Gerety", written over a horizontal line.

Todd A. Gerety
PTO Reg. 51,729
Attorney for the Applicants
Proskauer Rose LLP
One International Place
Boston, MA 02110

Date: July 21, 2009

Tel. (617) 526-9655
Fax (617) 526-9899